

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Sergei Chepilko,

Plaintiff,

-against-

The City of New York et al.,

Defendants.

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/2024

1:18-cv-02195 (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

Following a telephone conference with the parties, and for the reasons stated on the record, it is hereby Ordered as follows:

1. Defendants' Letter Motion to adjourn trial based on the unavailability of Defendants' counsel (*see* ECF No. 139) is GRANTED. The trial in this action is adjourned until February 26, 27 and 28, pending confirmation of Plaintiff's availability. As soon as possible, but no later than Friday, February 2, 2024, Plaintiff's counsel shall file a letter confirming Plaintiff's availability for trial on those dates or, after meeting and conferring with Defendants, setting forth proposed alternative dates as soon thereafter as all parties are available.
2. Defendants' motion to preclude certain of Plaintiff's exhibits is GRANTED IN PART and DENIED IN PART as follows:
  - a. Plaintiff's Exhibits 1, 12, 23, 24, 34, 35, 36 and 37 shall be admitted for the limited purpose of the spoliation issue. (*See* Pl.'s Motion, ECF No. 115.)
  - b. Defendants' objections to Plaintiff's Exhibits 2, 4, 6, 8, 10, 14, 15, 29, and 32 are overruled.

- c. Defendants' objections to Plaintiff's Exhibits 3, 5, 7, 9, 11, 16, 17, 18, 19, 20, 21, 27, 28, 30, 31, and 33 are sustained.
  - d. Defendants' objection to Plaintiff's Exhibit 13 is sustained. However, the parties shall meet and confer and stipulate to a substitute exhibit reflecting a map of the area where the incident occurred.
  - e. If Plaintiff's FOIL Requests are located (see JPTO, ECF No. 112, at 10 n. 7-8), those documents (Plaintiff's Exhibits 25 and 26) shall be admitted.
3. Each side shall have eight hours for the presentation of proof at trial and any opening statement. Thereafter, the Court will set a schedule for post-trial submissions and oral argument.

**SO ORDERED.**

Dated:           New York, New York  
                 January 30, 2024

  
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STEWART D. AARON  
United States Magistrate Judge